

**UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TEXAS,  
SHERMAN DIVISION**

SHEILA CONROY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No.
	§	
SOUTHWEST CREDIT SYSTEMS, LP,	§	
	§	
Defendant.	§	

**PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

SHEILA CONROY (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against SOUTHWEST CREDIT SYSTEMS, LP (Defendant):

**INTRODUCTION**

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (hereinafter “FDCPA”), to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses. (15 U.S.C. 1692(a) – (e)).

2. Plaintiff, through Plaintiff's attorneys, brings this action to challenge the actions of SOUTHWEST CREDIT SYSTEMS, LLC (hereinafter "Defendant"), with regard to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.
3. For the purposes of this Petition, unless otherwise indicated, "Defendant" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers of Defendant named in this caption.

### **JURISDICTION AND VENUE**

4. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
5. Because Defendant conducts business in the state of Texas, personal jurisdiction is established.
6. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).
7. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

### **PARTIES**

8. Plaintiff is a natural person who resides in the City of St. Charles, County of St. Charles, State of Missouri, and is obligated or allegedly obligated to pay a debt and is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).
9. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national company with a business office in the City of Plano, State of Texas.
10. Plaintiff is informed, believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the

collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

11. Defendant places constant and continuous collection calls to Plaintiff's father's residence seeking to speak with Plaintiff in regards to an alleged debt owed.
12. Defendant has spoken with Plaintiff's father and disclosed information regarding the alleged debt.
13. Defendant has spoken with Plaintiff's father and falsely represented itself to be a law firm.
14. Defendant has failed to disclose the fact that it is a debt collector in each and every attempted communication with Plaintiff.
15. Defendant has spoken with Plaintiff's fiancé and disclosed information to him regarding the alleged debt.

### **COUNT I** **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,** **(FDCPA), 15 U.S.C. § 1692 et seq.**

16. Plaintiff repeats, re-alleges and incorporates by reference all of the foregoing paragraphs.
17. Defendant **violated the FDCPA**. Defendant's violations include, but are not limited to the following:
  - a). Defendant violated the FDCPA §1692b(2) when Defendant, through its agents, employees, and/or legal counsel, contacted third parties, Plaintiff's father and fiancé,

regarding the debt in controversy and informed them that Plaintiffs owes a debt.

b). Defendant violated the FDCPA §1692c(b) when Defendant, through its agents, employees, and/or legal counsel, communicated information regarding the alleged debt to Plaintiff's father and fiancé without the permission of the Plaintiff.

c). Defendant violated the FDCPA §1692d(5) when Defendant, through its agents, employees, and/or legal counsel, placed constant and continuous collection calls to Plaintiff's father's home.

d). Defendant violated the FDCPA §1692e(3) when Defendant, through its agents, employees, and/or legal counsel, falsely represented itself to be a law firm.

e) Defendant violated the FDCPA §1692e(10) when Defendant, through its agents, employees, and/or legal counsel, deceptively informed Plaintiff's father that it was a law firm in an attempt to abuse, harass and frighten both him and Plaintiff into paying the alleged debt.

f). Defendant violated the FDCPA §1692e(11) when Defendant, through its agents, employees, and/or legal counsel, failed to state in all communications that it is a debt collector.

20. As a consequence of Defendant's foregoing actions, Plaintiff has suffered from emotional distress. (See Exhibit A).

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

21. Declaratory judgment that the Defendant's conduct violated the FDCPA.
22. Actual damages.
23. Statutory damages pursuant to the FDCPA, 15 U.S.C. 1692k.
24. Costs and reasonable attorney's fees pursuant to the FDCPA, 15 U.S.C. 1692k.
25. Any other relief that this court deems to be just and proper.

RESPECTFULLY SUBMITTED,

By: /s/ Dave Lilley\_\_\_\_\_

Dave Lilley,  
Attorneys for Plaintiff  
Krohn & Moss, Ltd.  
10635 Santa Monica Blvd., Suite 170  
Los Angeles, CA 90025

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, SHEILA CONROY, hereby demands trial by jury in this action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

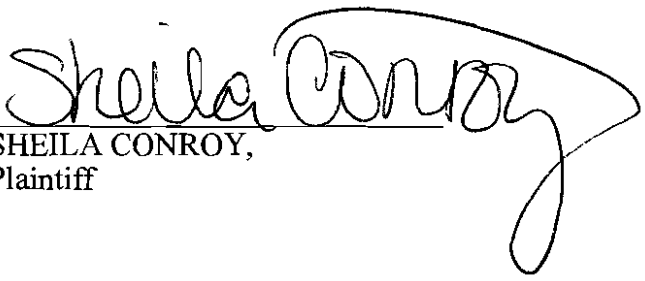
STATE OF MISSOURI)

Plaintiff, SHEILA CONROY, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, SHEILA CONROY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 2-7-09

  
SHEILA CONROY,  
Plaintiff

**EXHIBIT A**

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

- |   |                                      |                          |
|---|--------------------------------------|--------------------------|
| 1. Sleeplessness  | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 2. Fear of answering the telephone                            | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 3. Nervousness  | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 4. Fear of answering the door                                 | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 5. Embarrassment when speaking with family or friends →       | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 6. Depressions (sad, anxious, or "empty" moods)               | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 7. Chest pains  | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 8. Feelings of hopelessness, pessimism                        | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 9. Feelings of guilt, worthlessness, helplessness             | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 10. Appetite and/or weight loss or overeating and weight gain | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 11. Thoughts of death, suicide or suicide attempts            | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 12. Restlessness or irritability                              | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 13. Headache, nausea, chronic pain or fatigue                 | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 14. Negative impact on my job                                 | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 15. Negative impact on my relationships                       | <input checked="" type="radio"/> YES | <input type="radio"/> NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: None

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct..

Dated: \_\_\_\_\_

Signed Name

Printed Name

2-7-09  
SHEILA CONROY